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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ELKINS, GARY E

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,433

Applicant(s)

BARR, JARROD

Examiner

Gary E. Elkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10, 14 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 14, 22-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 6-10, 20, 21, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6 is dependent upon itself. It is assumed for the purpose of applying the prior art that claim 5 was the intended dependency. However, correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cawile, Jr. in view of Rassias and either Ansley or Hoffner. Cawile, Jr. discloses all structure of the claimed pack system except a plurality of thigh bags and connectors which form "quick-release connections of the thigh bags to the belt. Each of Ansley and Hoffner teaches that it is known to provide two receptacles attached to a belt with each receptacle separately secured to the belt over one of the thighs. Rassias teaches that it is known to attach a pair of securing straps for a thigh holder using quick release connections (12). It would have been obvious to duplicate the bag system of Cawile, Jr. to include a second bag along the other leg as taught by either Ansley or Hoffner to provide additional storage for items. It would have been obvious to substitute quick

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release fasteners for the tie fasteners 18 in Cawile, Jr. as taught by Rassias to allow easier removal of the bags from the belt when not in use. Quick release fasteners are well known in this art.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 14 above, and further in view of Baruch. Modified Cawile, Jr. does not evidence a quick release fastener with an extension strap having one end extending away from the belt, i.e. the construction of the quick release fasteners in Rassias are not clearly shown. Baruch teaches that it is known to make a quick release fastener with one end (toward the rear of the loop) extending away from the belt. It would have been obvious to use a quick release fastener construction in modified Cawile, Jr. as taught by Baruch since the quick release fastener of Baruch is simple in construction and allows easy manipulation during release.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cawile, Jr. in view of Rassias. Cawile, Jr. discloses all structure of the claimed pack system except quick release connections of the thigh bag to the belt. Rassias teaches that it is known to connect a holder at the thigh to a belt using two quick release fasteners 12. It would have been obvious to substitute quick release fasteners for the tie fasteners 18 in Cawile, Jr. as taught by Rassias to allow easier removal of the bags from the belt when not in use.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 23 above, and further in view of either Ansley or Hoffner. Modified Cawile, Jr. evidences all structure of the claimed pack system except a plurality of thigh bags. Each of Ansley and Hoffner teaches that it is known to provide two receptacles attached to a belt with each receptacle separately secured to the belt over one of the thighs. It would have been obvious

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to duplicate the bag system of Cawile, Jr. to include a second bag along the other leg as taught by either Ansley or Hoffner to provide additional storage for items.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 23 above, and further in view of Baruch. Modified Cawile, Jr. evidences all structure of the claimed pack system except a quick release fastener with an extension strap having one end extending away from the belt, i.e. the construction of the quick release fasteners in Rassias are not clearly shown. Baruch teaches that it is known to make a quick release fastener with one end (toward the rear of the loop) extending away from the belt. It would have been obvious to use a quick release fastener construction in modified Cawile, Jr. as taught by Baruch since the quick release fastener of Baruch is simple in construction and allows easy manipulation during release.

Allowable Subject Matter

8. Claim 5 is allowed.

9. Claims 6-10, as best understood in view of paragraph 1 above, would be allowable if made dependent upon claim 5.

10. Claims 20, 21, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

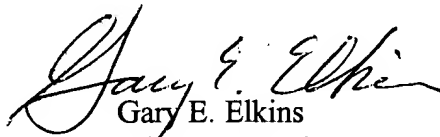
11. Applicant's arguments with respect to claims 14, 22-24 and 27 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
19 April 2004